

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

---

BARRY WEINSTEIN et al.,

Plaintiff,

v.

NICHOLAS BISSEL et al.,

Defendants.

---

**Hon. Stanley R. Chesler, U.S.D.J.  
Civ. No. 02-1593**

**OPINION and ORDER**

**CHESLER, District Judge**

This matter having come before the Court upon Plaintiff Weinstein's motions to Transfer this case to the Southern District of New York and to Remand/Change Venue back to New York; and

**IT APPEARING THAT** Plaintiff contends that this matter should be transferred to New York because Plaintiff is a resident of New York, several constitutional violations allegedly took place in New York, and there are many witnesses and defendants in New York; and

**IT FURTHER APPEARING THAT** Plaintiff further argues that it would be improper for New Jersey Federal Courts to continue to hear this matter because of the New Jersey Federal Courts' alleged bias against the Plaintiff; and

**IT FURTHER APPEARING THAT** 28 U.S.C. § 1404(a) states that "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division *where it might have been brought*" (emphasis added);

and

**IT FURTHER APPEARING THAT** in order to be able to transfer a matter to another district under § 1404(a) the “venue must have been proper in the transferee district and the transferee court must have had the power to command jurisdiction over all of the defendants” at the time of the commencement of the action, Shutte v. Armco Steel Corp., 431 F.2d 22, 24 (1970); and

**IT FURTHER APPEARING THAT** several of the Defendants in this case, e.g., Hon. Louis F. Locascio, Hon. Leonard Arnold, Wayne Forrest, Craig Barto, Laurie Melillo, the New Jersey Parole Department, the County of Somerset, and Franklin Township, do not have sufficient, if any, connections to New York and therefore could be subject neither general nor specific *in personam* jurisdiction in the State of New York; and

**IT FURTHER APPEARING THAT** this Court therefore has no authority to transfer this matter to New York;

**IT IS** on this 23<sup>rd</sup> day of May, hereby

**ORDERED** that Plaintiff’s motions to Transfer this case to the Southern District of New York [docket # 74] and to Remand/Change Venue back to New York [docket # 86] are denied.

s/  
\_\_\_\_\_  
Stanley R. Chesler, U.S.D.J.